

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7098 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.L.DAVE

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DIAMANT CARBON AND GRAPHITE PRODUCTS LTD.

Versus

GUJARAT KAMGAR PANCHAYAT

Appearance:

MR AK CLERK for Petitioner

MR TR MISHRA for Respondent No. 1

MRS SANGEETA N PAHWA for Respondent No. 2

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.L.DAVE

Date of decision: 09/02/99

ORAL JUDGEMENT (Per Patel, J.)

Rule. Mr. Mishra and Ms. Sangeeta Pahwa waive service of rule on behalf of the respondents No.1 and 2 respectively.

2. This application is preferred by Diamant Carbon and Graphite Products Ltd. [hereinafter referred to as the Employer] against the interim award passed in Reference (LCKD) No. 2 of 1997 by the Presiding Officer of the Labour Court at Kalol. The award is in two parts, namely Part I and Part II, and part II of the Award is under challenge in this petition.

3. It appears that the employer arrived at a settlement with the Union having majority of workmen, namely : Gujarat Kamdar Panchayat and benefits are extended to the workmen who were members of that Union. There is also another union having few members, known as Gujarat Mazdoor Panchayat. The grievance made by the

Gujarat Mazdoor Panchayat is that the Tribunal ought to have atleast given the same benefit and the employer ought not to have insisted that the member of Gujarat Mazdoor Panchayat should approach through Gujarat Kamdar Panchayat for the benefits.

4. There is a consensus between the learned advocates, and it is agreed that all the workmen will be given benefits of the settlement, and there will be no insistence by either Gujarat Kamdar Panchayat or the employer that others should come through Gujarat Kamdar Panchayat for getting the benefits.

5. In view of the above settlement arrived at between the employer, Gujarat Mazdoor Panchayat and Gujarat Kamdar Panchayat, learned advocate Ms. Pahwa states that Gujarat Mazdoor Panchayat will withdraw the Reference before the Labour Court. The parties shall move the Labour Court in this regard and the Labour Court shall pass appropriate orders in terms of what we have stated hereinabove.

6. In the result, Part II of the aforesaid interim Award is quashed and set aside. The benefits which are to be extended to the members of Gujarat Mazdoor Panchayat shall be paid in two equal instalments on or before 8th April 1999.

Rule is made absolute accordingly. No order as to costs.

csm./ -----